

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE
WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF
NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Kansas City District

FILE NUMBER: 200501607

REGULATORY PROJECT MANAGER: Donahue **Date:** 28 July 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) **Date:** 28 July 2005
 At the project site N (Y/N) **Date:**

PROJECT LOCATION INFORMATION:

State: Kansas

County: Miami

Center coordinates of site by latitude & longitudinal coordinates: Lat: 38-34-39 Long: 94-56-21

Approximate size of site/property (including uplands & in acres): 1 acre

Name of waterway or watershed: Walnut Creek

SITE CONDITIONS: Open water pond approximately 1 acre in size located in 25 acre watershed with roadway acting as the pond embankment

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)	X								
<u>Open water pond-impoundment</u>									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary ☐ Or Approved ☒

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

The area reviewed consists of an open water pond formed by the construction of an elevated roadway and is used primarily for livestock watering. There is no direct connection to Walnut Creek other than water flow west along a ditch with no ordinary high water mark (OHWM), located on the south side of 303rd Street to a road culvert that then drains via an ephemeral stream to Walnut Creek. Based on the information provided there are no jurisdictional wetlands associated with the open water pond and the site meets the criteria of an isolated water based on the lack of an OHWM above or below the pond.